

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CRIMINAL DOCKET NO.: 3:99CR165**

**THIS MATTER** is before the Court on its own Motion. On December 7, 2001, this Defendant was sentenced by the Court to 170 months imprisonment. Judgment was entered on February 1, 2002. On August 16, 2006, the United States Court of Appeals for the Fourth Circuit vacated Defendant's sentence and remanded for resentencing pursuant to *United States v. Booker*, 543 U.S. 220 (2005) and *United States v. Hughes*, 401 F.3d 540 (4<sup>th</sup> Cir. 2005). The Mandate issued on September 11, 2006.

Pursuant to the Fourth Circuit's Order, this Court has scheduled Defendant's resentencing for October 26, 2006. However, the Court has been advised that the attorney appointed to represent Defendant for purposes of his appeal is not authorized to practice in the Western District of North Carolina. Consequently, the Court must appoint new counsel to represent Defendant for purposes of his resentencing.

**IT IS, THEREFORE, ORDERED** that the Federal Community Defenders Office appoint new counsel to represent Defendant for purposes of resentencing.

The Clerk is directed to send copies of this Order to defense counsel, Defendant, the United States Attorney, and the Federal Community Defenders Office.

Signed: September 26, 2006



Richard L. Voorhees  
United States District Judge

